

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK**

In re:

The Roman Catholic Diocese of  
Ogdensburg, New York,

Debtor.

Hearing Date: May 6, 2025  
at 1:00 pm ET  
Hearing Location: Alexander Pirnie  
U.S. Courthouse and Federal Building 10  
Broad Street, Utica, New York

Status Report Deadline for Committee:  
April 22, 2025

Status Report Deadline for Other Parties:  
April 24, 2025

Chapter 11

Case No. 23-60507 (PGR)

**SUPPLEMENTAL DECLARATION OF KAREN B. DINE IN SUPPORT OF THE  
FURTHER OBJECTION AND STATUS REPORT OF  
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
WITH RESPECT TO CENTURY'S MOTION FOR ENTRY OF AN ORDER  
PURSUANT TO BANKRUPTCY RULE 2004 AUTHORIZING CENTURY  
TO ENFORCE THE SUBPOENA THE COMMITTEE ISSUED TO GALLAGHER**

**DECLARATION OF KAREN B. DINE, ESQ.**

Pursuant to 28 U.S.C. § 1746, I, Karen B. Dine, hereby submit this declaration (the  
“**Declaration**”) under penalty of perjury:

1. I am of counsel at the law firm of Pachulski Stang Ziehl & Jones LLP (“**PSZJ**”) with an  
office at 1700 Broadway, 36<sup>th</sup> Floor, New York, NY 10019. I am duly admitted to practice law in  
the United States District Courts for the Northern, Southern and Eastern Districts of New York.

2. I submit this Declaration in support of the *Supplemental Status Report of the Official  
Committee of Unsecured Creditors with Respect to Century's Motion for Entry of an Order Pursuant*

*to Bankruptcy Rule 2004 Authorizing Century to Enforce the Subpoena the Committee Issued to Gallagher* filed concurrently herewith.

3. Attached hereto at **Exhibit A** is a true and correct copy of an email on April 16, 2025 from Mr. Scharf to Mr. Kaufman copied to counsel to the other parties.

4. Attached hereto as **Exhibit B** is a true and correct copy of an email on April 22, 2025 from Mr. Kaufman to Ms. Dine copied to counsel to the other parties.

5. Attached hereto as **Exhibit C** is a true and correct copy of an email on April 23, 2025 from Ms. Dine to Mr. Kaufman copied to counsel to the other parties.

6. Attached hereto as **Exhibit D** is a true and correct copy of an email on April 24, 2025 from Mr. Brendan Sheehan (counsel to the Diocese) to Mr. Kaufman copied to counsel to the other parties.

7. Attached hereto as **Exhibit E** is a true and correct copy of an email on April 25, 2025 from Mr. Jeffrey Dine to Mr. Kaufman copied to counsel to the other parties.

8. Attached hereto as **Exhibit F** is a true and correct copy of an email on April 29, 2025 from Ms. Dine to Mr. Kaufman copied to counsel to the other parties.

9. Attached hereto as **Exhibit G** is a true and correct copy of an email on April 29, 2025 from Mr. Kaufman to Ms. Dine copied to counsel to the other parties.

10. Attached hereto as **Exhibit H** is a true and correct copy of an email on April 30, 2025 from Mr. Schiavoni to Ms. Dine and Mr. Kaufman copied to counsel to the other parties.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. I executed this Declaration on May 5, 2025 at New York, New York.

/s/ Karen B. Dine

Karen B. Dine, Esq.

# **EXHIBIT A**

**Karen B. Dine**

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**From:** Ilan D. Scharf  
**Sent:** Wednesday, April 16, 2025 5:46 PM  
**To:** Alan Kaufman; Tancred Schiavoni; Karen B. Dine  
**Cc:** Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael  
**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan,

I apologize for doing this. However, I think that given the hour you have not yet discussed this with your client. I had to correct the proposed action for topic no. 1 below as follows (changes highlighted in yellow):

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued, and (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

For your convenience, a complete revised email incorporating the above changes is below:

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

**PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

**PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. **Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Ilan D. Scharf <ischarf@pszjlaw.com>  
**Date:** Wednesday, April 16, 2025 at 8:19 PM  
**To:** Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>  
**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>  
**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

We think that the previously highlighted documents are appropriate for production. My understanding of a more limited approach was to request specific documents rather than a demand to produce all the documents.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Alan Kaufman <alan.kaufman@nelsonmullins.com>  
**Date:** Wednesday, April 16, 2025 at 8:07 PM  
**To:** Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>  
**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi

<NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Understood and appreciated.

On a quick glance, it appears that the spreadsheet you sent contains the identical highlighting as the prior one, although we had discussed a more limited approach. Please let me know if there have been any reduction in the number of items highlighted and, if so, can you please send me a redline.

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

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**From:** Ilan D. Scharf <ischarf@pszjlaw.com>

**Sent:** Wednesday, April 16, 2025 8:02 PM

**To:** Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <cugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I appreciate that. I note that this is not a transcript. I'm trying to act in good faith to address the issues in a reasonable manner.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Wednesday, April 16, 2025 at 7:56 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Siobhain Minarovich



<[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, Catalina.Sugayan@clydeco.us <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>, Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN PARTNER

[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)

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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Wednesday, April 16, 2025 7:42 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf

Pachulski Stang Ziehl & Jones LLP

M. 917-566-3054

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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Date:** Wednesday, April 16, 2025 at 7:40 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

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The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that

correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

**PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

**PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

**4. Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay

50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan

<[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

---

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

### Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

# **EXHIBIT B**

## Karen B. Dine

---

**From:** Alan Kaufman <alan.kaufman@nelsonmullins.com>  
**Sent:** Tuesday, April 22, 2025 3:34 PM  
**To:** Karen B. Dine; Ilan D. Scharf; Tancred Schiavoni  
**Cc:** Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

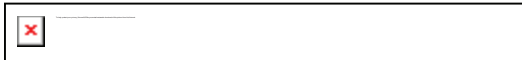
Karen

I do not believe that Harry Granger or Ed Kenyon are current employees so I do not think they can be used as custodians. If you have other custodians you would like to propose, please do so.

I also repeatedly asked that the highlighted items on AJG's spreadsheet be more limited; however, it appears that it is identical to the one previously sent. Therefore, as I stated during our call, it is going to take some time to go through that list. In the interim, I am reconveying that I have been told that, with a full reservation of rights, that the relevant documents are being maintained, to the extent it is reasonably able to do so.

Finally, I have still not received any confirmation about the payment of expenses, etc. Please advise.

Alan



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---

**From:** Karen B. Dine <kdine@pszjlaw.com>  
**Sent:** Monday, April 21, 2025 3:15 PM  
**To:** Alan Kaufman <alan.kaufman@nelsonmullins.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>  
**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher



Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh
13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

**Karen B. Dine**

Pachulski Stang Ziehl & Jones LLP

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[KDine@pszjlaw.com](mailto:KDine@pszjlaw.com)

[vCard](#) | [Bio](#)





Los Angeles | San Francisco | Wilmington, DE | New York | Houston

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Wednesday, April 16, 2025 7:54 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

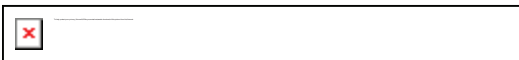
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**

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---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Wednesday, April 16, 2025 7:42 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara

Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; Catalina Sugayan <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>; Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Date:** Wednesday, April 16, 2025 at 7:40 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

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**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the “Spreadsheet”) have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century’s position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the “Highlighted Files”). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers’ comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

**PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century’s suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party’s rights to request additional production and Gallagher’s right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

**PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

**4. Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

---

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

**Confidentiality Notice**

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

# **EXHIBIT C**

**Karen B. Dine**

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**From:** Karen B. Dine  
**Sent:** Wednesday, April 23, 2025 3:43 PM  
**To:** 'Alan Kaufman'; Ilan D. Scharf; Tancred Schiavoni  
**Cc:** Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher  
**Attachments:** CONFORMED COPY NDeclaration of Karen D...ection Century 2004 4920-5804-3960 v.pdf;  
CONFORMED COPY Further Objection and ... Gallagher Subpoena 4912-8571-5000 v.pdf

Thank you Alan. We will discuss the custodian issue and revert.

I note that yesterday the Committee filed its Status Report and Further Objection with respect to Century's Motion to Compel Enforcement of the Gallagher Subpoena (copy attached).

We think that critical to the Court's consideration of the Motion will be Gallagher's written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued.

We are available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena. Regards, Karen

**Karen B. Dine**

Pachulski Stang Ziehl & Jones LLP

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---

**From:** Alan Kaufman <alan.kaufman@nelsonmullins.com>

**Sent:** Tuesday, April 22, 2025 6:34 PM

**To:** Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>

**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara



Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <catalina.sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

I do not believe that Harry Granger or Ed Kenyon are current employees so I do not think they can be used as custodians. If you have other custodians you would like to propose, please do so.

I also repeatedly asked that the highlighted items on AJG's spreadsheet be more limited; however, it appears that it is identical to the one previously sent. Therefore, as I stated during our call, it is going to take some time to go through that list. In the interim, I am reconveying that I have been told that, with a full reservation of rights, that the relevant documents are being maintained, to the extent it is reasonably able to do so.

Finally, I have still not received any confirmation about the payment of expenses, etc. Please advise.

Alan



ALAN KAUFMAN **PARTNER**

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**From:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Sent:** Monday, April 21, 2025 3:15 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; csullivan@bsk.com; Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; Catalina Sugayan <[catalina.sugayan@clydeco.us](mailto:catalina.sugayan@clydeco.us)>; Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh
13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

**Karen B. Dine**

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---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Wednesday, April 16, 2025 7:54 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Wednesday, April 16, 2025 7:42 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Date:** Wednesday, April 16, 2025 at 7:40 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, Catalina Sugayan <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

***PROPOSED ACTION:***

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

***PROPOSED ACTION:***

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

**4. Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
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M. 917-566-3054



**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

---

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

### Confidentiality Notice

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notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.



# **EXHIBIT D**

**Karen B. Dine**

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**From:** Sheehan, Brendan <bsheehan@bsk.com>  
**Sent:** Thursday, April 24, 2025 8:20 AM  
**To:** Karen B. Dine; Alan Kaufman; Ilan D. Scharf; Tancred Schiavoni  
**Cc:** Haberkorn, Adam P.; Sullivan, Charles; Donato, Stephen; Temes, Sara; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan,

With respect to the custodian question, I thought GB/AJG were asking us to identify potential historical custodians and GB/AJG would identify current individuals, hence the confusion. In any event, I followed up with the Diocese, and below are the names of principal individuals the Diocese has provided with whom they've worked more recently than the 2 previously identified individuals:

Jennifer Deacon (GB); Sulim Bartok (AJG); Kevin Barry (AJG).

**Brendan Sheehan**

315.218.8276 Direct

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**From:** Karen B. Dine <kdine@pszjlaw.com>  
**Sent:** Wednesday, April 23, 2025 6:43 PM  
**To:** Alan Kaufman <alan.kaufman@nelsonmullins.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>  
**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; Sullivan, Charles <sullivc@bsk.com>; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

**External Email:** Use caution before clicking links or opening attachments.

Thank you Alan. We will discuss the custodian issue and revert.

I note that yesterday the Committee filed its Status Report and Further Objection with respect to Century's Motion to Compel Enforcement of the Gallagher Subpoena (copy attached).

We think that critical to the Court's consideration of the Motion will be Gallagher's written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued.

We are available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena. Regards, Karen

**Karen B. Dine**

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---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Tuesday, April 22, 2025 6:34 PM

**To:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

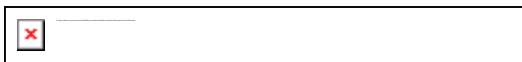
Karen

I do not believe that Harry Granger or Ed Kenyon are current employees so I do not think they can be used as custodians. If you have other custodians you would like to propose, please do so.

I also repeatedly asked that the highlighted items on AJG's spreadsheet be more limited; however, it appears that it is identical to the one previously sent. Therefore, as I stated during our call, it is going to take some time to go through that list. In the interim, I am reconveying that I have been told that, with a full reservation of rights, that the relevant documents are being maintained, to the extent it is reasonably able to do so.

Finally, I have still not received any confirmation about the payment of expenses, etc. Please advise.

Alan



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**From:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Sent:** Monday, April 21, 2025 3:15 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh
13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

**Karen B. Dine**

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Wednesday, April 16, 2025 7:54 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

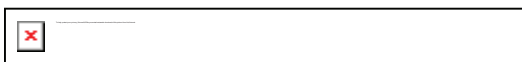
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**

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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Wednesday, April 16, 2025 7:42 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Date:** Wednesday, April 16, 2025 at 7:40 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

**PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including



any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

### 3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

#### **PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

### 4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

#### **PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.



**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

---

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

### **Confidentiality Notice**

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

# **EXHIBIT E**

**Karen B. Dine**

---

**From:** Jeffrey M. Dine  
**Sent:** Friday, April 25, 2025 7:47 AM  
**To:** Sheehan, Brendan; Karen B. Dine; Alan Kaufman; Ilan D. Scharf; Tancred Schiavoni  
**Cc:** Haberkorn, Adam P.; Sullivan, Charles; Donato, Stephen; Temes, Sara; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Klotz, Michael  
**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan:

Further to Brendan's email, can you please tell us:

1. When Messrs. Granger and Kenyon left Gallagher.
2. If they had email accounts or mailboxes.
3. If they did, whether any such accounts or mailboxes continue to exist in Gallagher's current email system.
4. If not accessible in Gallagher's current email system, whether any such email accounts or mailboxes are accessible or are capable of being retrieved (as on backup tape or other media, or in an archiving system), whether or not they might be considered to be "reasonably accessible" under Federal Rule of Civil Procedure 45

Thank you.  
Regards,  
Jeff

**Jeffrey Dine**

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212-561-7735

Tel: 212-561-7700 | Cell: 917-279-8617 | Fax: 212-561-7777

[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)



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**From:** "Sheehan, Brendan" <bsheehan@bsk.com>  
**Date:** Thursday, April 24, 2025 at 11:20 AM  
**To:** Karen Dine <kdine@pszjlaw.com>, Alan Kaufman <alan.kaufman@nelsonmullins.com>, "Ilan D. Scharf" <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>  
**Cc:** "Haberkorn, Adam P." <ahaberkorn@omm.com>, "Sullivan, Charles" <sullivc@bsk.com>, "Donato, Stephen" <donatos@bsk.com>, "Temes, Sara" <temess@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, "Todd C. Jacobs" <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, "Catalina.Sugayan@clydeco.us" <Catalina.Sugayan@clydeco.us>, "Matt

M. Weiss" <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, "Jeffrey M. Dine" <jdine@pszjlaw.com>, "Klotz, Michael" <mklotz@omm.com>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan,

With respect to the custodian question, I thought GB/AJG were asking us to identify potential historical custodians and GB/AJG would identify current individuals, hence the confusion. In any event, I followed up with the Diocese, and below are the names of principal individuals the Diocese has provided with whom they've worked more recently than the 2 previously identified individuals:

Jennifer Deacon (GB); Sulim Bartok (AJG); Kevin Barry (AJG).

**Brendan Sheehan**

315.218.8276 Direct

**From:** Karen B. Dine <kdine@pszjlaw.com>

**Sent:** Wednesday, April 23, 2025 6:43 PM

**To:** Alan Kaufman <alan.kaufman@nelsonmullins.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>

**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; Sullivan, Charles <sullivc@bsk.com>; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <catalina.sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

**External Email: Use caution before clicking links or opening attachments.**

Thank you Alan. We will discuss the custodian issue and revert.

I note that yesterday the Committee filed its Status Report and Further Objection with respect to Century's Motion to Compel Enforcement of the Gallagher Subpoena (copy attached).

We think that critical to the Court's consideration of the Motion will be Gallagher's written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued.

We are available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena. Regards, Karen

**Karen B. Dine**

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Los Angeles | San Francisco | Wilmington, DE | New York | Houston

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Tuesday, April 22, 2025 6:34 PM

**To:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

I do not believe that Harry Granger or Ed Kenyon are current employees so I do not think they can be used as custodians. If you have other custodians you would like to propose, please do so.

I also repeatedly asked that the highlighted items on AJG's spreadsheet be more limited; however, it appears that it is identical to the one previously sent. Therefore, as I stated during our call, it is going to take some time to go through that list. In the interim, I am reconveying that I have been told that, with a full reservation of rights, that the relevant documents are being maintained, to the extent it is reasonably able to do so.

Finally, I have still not received any confirmation about the payment of expenses, etc. Please advise.

Alan



ALAN KAUFMAN **PARTNER**

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**From:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Sent:** Monday, April 21, 2025 3:15 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh
13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

**Karen B. Dine**

Pachulski Stang Ziehl & Jones LLP

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Los Angeles | San Francisco | Wilmington, DE | New York | Houston

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Wednesday, April 16, 2025 7:54 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**

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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Wednesday, April 16, 2025 7:42 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Date:** Wednesday, April 16, 2025 at 7:40 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold

letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

**PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

**PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

**4. Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara

Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

---

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so,

despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

**Confidentiality Notice**

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# **EXHIBIT F**

**Karen B. Dine**

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**From:** Karen B. Dine  
**Sent:** Tuesday, April 29, 2025 12:44 PM  
**To:** Alan Kaufman  
**Cc:** Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael; Ilan D. Scharf; Tancred Schiavoni  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, I am writing to follow-up on the Committee's request for written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued. Please let us know as soon as possible and not later than COB on Friday, May 1, 2025, whether Gallagher will provide the confirmation requested. We remain available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena prior to next week's hearing. Regards, Karen

**Karen B. Dine**

Pachulski Stang Ziehl & Jones LLP

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**From:** Karen B. Dine  
**Sent:** Wednesday, April 23, 2025 6:43 PM  
**To:** 'Alan Kaufman' <alan.kaufman@nelsonmullins.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>  
**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher



Thank you Alan. We will discuss the custodian issue and revert.

I note that yesterday the Committee filed its Status Report and Further Objection with respect to Century's Motion to Compel Enforcement of the Gallagher Subpoena (copy attached).

We think that critical to the Court's consideration of the Motion will be Gallagher's written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued.

We are available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena. Regards, Karen

**Karen B. Dine**

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Tuesday, April 22, 2025 6:34 PM

**To:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

I do not believe that Harry Granger or Ed Kenyon are current employees so I do not think they can be used as custodians. If you have other custodians you would like to propose, please do so.

I also repeatedly asked that the highlighted items on AJG's spreadsheet be more limited; however, it appears that it is identical to the one previously sent. Therefore, as I stated during our call, it is going to take some time to go



through that list. In the interim, I am reconveying that I have been told that, with a full reservation of rights, that the relevant documents are being maintained, to the extent it is reasonably able to do so.

Finally, I have still not received any confirmation about the payment of expenses, etc. Please advise.

Alan



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**From:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Sent:** Monday, April 21, 2025 3:15 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh
13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

**Karen B. Dine**

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Wednesday, April 16, 2025 7:54 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Wednesday, April 16, 2025 7:42 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf

Pachulski Stang Ziehl & Jones LLP

M. 917-566-3054

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Date:** Wednesday, April 16, 2025 at 7:40 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen

Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, Catalina Sugayan <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the “Highlighted Files”). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers’ comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

**PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century’s suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party’s rights to request additional production and Gallagher’s right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

**PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

**4. Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century’s participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher’s reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher



Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

---

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; csullivan@bsk.com; Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; Catalina Sugayan <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>; Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

### Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

# **EXHIBIT G**



## Karen B. Dine

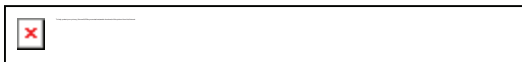
---

**From:** Alan Kaufman <alan.kaufman@nelsonmullins.com>  
**Sent:** Tuesday, April 29, 2025 12:46 PM  
**To:** Karen B. Dine  
**Cc:** Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael; Ilan D. Scharf; Tancred Schiavoni  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

I am happy to discuss; however, as I previously told you and everyone, given the large number of documents requested in the spreadsheet (despite my request to narrow that list), it will take time to confirm.

Alan



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---

**From:** Karen B. Dine <kdine@pszjlaw.com>  
**Sent:** Tuesday, April 29, 2025 3:44 PM  
**To:** Alan Kaufman <alan.kaufman@nelsonmullins.com>  
**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, I am writing to follow-up on the Committee's request for written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued. Please let us know as soon as possible and not later than COB on Friday, May 1, 2025, whether Gallagher will provide the confirmation requested. We remain available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena prior to next week's hearing. Regards, Karen

**Karen B. Dine**

Pachulski Stang Ziehl & Jones LLP

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---

**From:** Karen B. Dine

**Sent:** Wednesday, April 23, 2025 6:43 PM

**To:** 'Alan Kaufman' <alan.kaufman@nelsonmullins.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>

**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <cugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Thank you Alan. We will discuss the custodian issue and revert.

I note that yesterday the Committee filed its Status Report and Further Objection with respect to Century's Motion to Compel Enforcement of the Gallagher Subpoena (copy attached).

We think that critical to the Court's consideration of the Motion will be Gallagher's written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued.

We are available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena. Regards, Karen

**Karen B. Dine**

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---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Tuesday, April 22, 2025 6:34 PM

**To:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

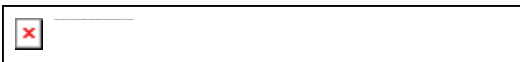
Karen

I do not believe that Harry Granger or Ed Kenyon are current employees so I do not think they can be used as custodians. If you have other custodians you would like to propose, please do so.

I also repeatedly asked that the highlighted items on AJG's spreadsheet be more limited; however, it appears that it is identical to the one previously sent. Therefore, as I stated during our call, it is going to take some time to go through that list. In the interim, I am reconveying that I have been told that, with a full reservation of rights, that the relevant documents are being maintained, to the extent it is reasonably able to do so.

Finally, I have still not received any confirmation about the payment of expenses, etc. Please advise.

Alan



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**From:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Sent:** Monday, April 21, 2025 3:15 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh
13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

**Karen B. Dine**

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Wednesday, April 16, 2025 7:54 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

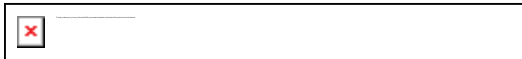
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Wednesday, April 16, 2025 7:42 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Date:** Wednesday, April 16, 2025 at 7:40 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are

being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

#### **PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

#### **2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

#### **PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.



We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

**PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

**4. Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

---

**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>



**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

---

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher

put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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# **EXHIBIT H**

## Karen B. Dine

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**From:** Schiavoni, Tancred <tschiavoni@omm.com>  
**Sent:** Wednesday, April 30, 2025 1:40 PM  
**To:** Alan Kaufman; Karen B. Dine  
**Cc:** Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael; Ilan D. Scharf  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

All

How will you confirm what documents Gallagher has destroyed?

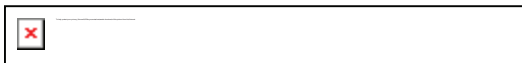
---

**From:** Alan Kaufman <alan.kaufman@nelsonmullins.com>  
**Sent:** Tuesday, April 29, 2025 3:46 PM  
**To:** Karen B. Dine <kdine@pszjlaw.com>  
**Cc:** Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

I am happy to discuss; however, as I previously told you and everyone, given the large number of documents requested in the spreadsheet (despite my request to narrow that list), it will take time to confirm.

Alan



ALAN KAUFMAN **PARTNER**  
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---

**From:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>  
**Sent:** Tuesday, April 29, 2025 3:44 PM  
**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>  
**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; csullivan@bsk.com; Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara

Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; Catalina Sugayan <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>; Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszlaw.com](mailto:jdine@pszlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>; Ilan D. Scharf <[ischarf@pszlaw.com](mailto:ischarf@pszlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>  
**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, I am writing to follow-up on the Committee's request for written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued. Please let us know as soon as possible and not later than COB on Friday, May 1, 2025, whether Gallagher will provide the confirmation requested. We remain available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena prior to next week's hearing. Regards, Karen

**Karen B. Dine**

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---

**From:** Karen B. Dine

**Sent:** Wednesday, April 23, 2025 6:43 PM

**To:** 'Alan Kaufman' <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Ilan D. Scharf <[ischarf@pszlaw.com](mailto:ischarf@pszlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; csullivan@bsk.com; Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; Catalina Sugayan <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>; Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszlaw.com](mailto:jdine@pszlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Thank you Alan. We will discuss the custodian issue and revert.

I note that yesterday the Committee filed its Status Report and Further Objection with respect to Century's Motion to Compel Enforcement of the Gallagher Subpoena (copy attached).

We think that critical to the Court's consideration of the Motion will be Gallagher's written confirmation that (a) documents described in the spreadsheet provided by Gallagher have not been destroyed since the subpoena was issued, (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued.

We are available to discuss this issue as well as to continue to discuss the other matters relating to the subpoena. Regards, Karen

**Karen B. Dine**

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---

**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Tuesday, April 22, 2025 6:34 PM

**To:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

I do not believe that Harry Granger or Ed Kenyon are current employees so I do not think they can be used as custodians. If you have other custodians you would like to propose, please do so.

I also repeatedly asked that the highlighted items on AJG's spreadsheet be more limited; however, it appears that it is identical to the one previously sent. Therefore, as I stated during our call, it is going to take some time to go through that list. In the interim, I am reconveying that I have been told that, with a full reservation of rights, that the relevant documents are being maintained, to the extent it is reasonably able to do so.

Finally, I have still not received any confirmation about the payment of expenses, etc. Please advise.

Alan



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**From:** Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Sent:** Monday, April 21, 2025 3:15 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>

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**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh

13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

**Karen B. Dine**

Pachulski Stang Ziehl & Jones LLP

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Los Angeles | San Francisco | Wilmington, DE | New York | Houston

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Sent:** Wednesday, April 16, 2025 7:54 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

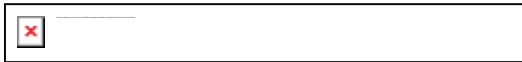
Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.



Alan



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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>  
**Sent:** Wednesday, April 16, 2025 7:42 PM  
**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>  
**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>; Klotz, Michael <[mklotz@omm.com](mailto:mklotz@omm.com)>  
**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>  
**Date:** Wednesday, April 16, 2025 at 7:40 PM  
**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>  
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<NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

**1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.**

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

**PROPOSED ACTION**

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

**2. Documents for Production (Based on the Spreadsheet).**

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the

current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

**PROPOSED ACTION:**

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

**3. Production of Electronic Documents.**

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

**PROPOSED ACTION:**

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

**4. Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

**PROPOSED ACTION:**

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf  
Pachulski Stang Ziehl & Jones LLP  
M. 917-566-3054

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:31 PM

**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>, [csullivan@bsk.com](mailto:csullivan@bsk.com) <[csullivan@bsk.com](mailto:csullivan@bsk.com)>, Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>, Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>, Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>, Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>, Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>, Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>, Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>, Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>, [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us) <[Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us)>, Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>, Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>, Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>, Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

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**From:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

**Sent:** Friday, April 11, 2025 6:28 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>

**Cc:** Haberkorn, Adam P. <[ahaberkorn@omm.com](mailto:ahaberkorn@omm.com)>; [csullivan@bsk.com](mailto:csullivan@bsk.com); Stephen Donato <[donatos@bsk.com](mailto:donatos@bsk.com)>; Sara Temes <[temess@bsk.com](mailto:temess@bsk.com)>; Brendan Sheehan <[bsheehan@bsk.com](mailto:bsheehan@bsk.com)>; Timothy Burns <[tburns@burnsbair.com](mailto:tburns@burnsbair.com)>; Nathan J. Hall <[nhall@pszjlaw.com](mailto:nhall@pszjlaw.com)>; Siobhain Minarovich <[Minarovichs@whiteandwilliams.com](mailto:Minarovichs@whiteandwilliams.com)>; Todd C. Jacobs <[tjacobs@phrd.com](mailto:tjacobs@phrd.com)>; Jordan Russell <[Jordan.Russell@clydeco.us](mailto:Jordan.Russell@clydeco.us)>; [Catalina.Sugayan@clydeco.us](mailto:Catalina.Sugayan@clydeco.us); Matt M. Weiss <[mweiss@phrd.com](mailto:mweiss@phrd.com)>; Winsberg Harris <[hwinsberg@phrd.com](mailto:hwinsberg@phrd.com)>; Nathan Kuenzi <[NKuenzi@burnsbair.com](mailto:NKuenzi@burnsbair.com)>; Jeffrey M. Dine <[jdine@pszjlaw.com](mailto:jdine@pszjlaw.com)>

**Subject:** Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf  
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M. 917-566-3054

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**From:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>

**Date:** Friday, April 11, 2025 at 6:26 PM

**To:** Tancred Schiavoni <[TSchiavoni@OMM.com](mailto:TSchiavoni@OMM.com)>, Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

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**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

**From:** Schiavoni, Tancred <[tschiavoni@omm.com](mailto:tschiavoni@omm.com)>

**Sent:** Friday, April 11, 2025 6:20 PM

**To:** Alan Kaufman <[alan.kaufman@nelsonmullins.com](mailto:alan.kaufman@nelsonmullins.com)>; Karen B. Dine <[kdine@pszjlaw.com](mailto:kdine@pszjlaw.com)>; Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>

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**Subject:** RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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